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Letter dated 3 September 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General

I have the honour to forward to you the attached concept paper for the Security Council meeting on "Mediation and settlement of disputes", to be held on 23 September 2008 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Michel **Kafando**
Ambassador
Permanent Representative

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Annex to the letter dated 3 September 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General

High-level meeting on the topic "Mediation and settlement of disputes" (New York, 23 September 2008)

Concept paper

As President of the Security Council for September 2008, Burkina Faso would like to invite the members of the Council and the international community as a whole to a meeting to exchange views on the contribution of mediation to the maintenance of peace and security in the world and on ways and means of strengthening peace and security.

The settlement of disputes by peaceful means has always been a major concern of the international community.

The Hague Convention of 1907 on the pacific settlement of international disputes, the Covenant of the League of Nations and the Kellogg-Briand Pact of 1928 represent major stages in and significant contributions to codification efforts in this area.

Article 2, paragraph 3, of the Charter of the United Nations enshrines the principle of peaceful settlement of international disputes. Mediation is one among the wide range of methods defined in Article 33 of the Charter.

Over time, the increasingly frequent recourse to mediation, conducted by actors with widely varying backgrounds, has made it one of the principal alternatives for the settlement of contemporary conflicts. The end of the cold war and the pervasiveness of globalization, which have both led to the search for constructive compromise, have served to underline the importance of mediation.

As the principal organ of the United Nations for the maintenance of international peace and security, the Security Council is closely involved with the evolving situation, just like the General Assembly and the Secretary-General, who, by means of special envoys, and special or personal representatives, contribute to the prevention of conflicts or address sources of tension worldwide. With over a half century of experience, the United Nations has developed a vision and established fairly effective mechanisms for prevention and settlement of conflicts through mediation. In particular, the Agenda for Peace (1992) and its Addendum (1998), the report of the Secretary-General on the causes of conflict in Africa (1998), and the Brahimi report (2000), provide an important framework for action and for the establishment, under the Department of Political Affairs, of United Nations missions for the prevention and settlement of conflicts.

At the subregional and regional level, there are also initiatives, mechanisms and institutions for the governance of the action of organizations and States in the area of mediation and other methods of peaceful settlement of disputes. Mediation has a greater likelihood of success at these levels, one reason probably being the fact that the parties to the dispute and the mediator share the same geographical, historical, economic, social, cultural and demographic background.

Therefore, for greater efficiency, the international community, including the United Nations, should provide support for the local process, especially financial and logistical support.

Lastly, besides these inter-State forums, there exist a multitude of non-State structures that offer expertise in the general area of mediation and settlement of conflicts.

So many actors, mechanisms, structures and activities can be a wonderful source of enrichment in how to approach and conduct the mediation process. On the other hand, owing to lack of coordination, for example, or for other reasons, they can cause complications or even stall the mediation.

In addition to the overall objective of helping to promote mediation as a method of dispute settlement, the high-level meeting aims to achieve the following specific objectives:

- Evaluate United Nations activities and mechanisms in the area of mediation and review the implementation of resolution 1625 (2005) of 14 September 2005 on strengthening the effectiveness of the Security Council's role in conflict prevention, particularly in Africa, as well as the effectiveness of the relevant resolutions and declarations of the Council.
- Examine ways to make United Nations mediation more effective: operational and institutional aspects.
- Evaluate the functioning and contribution to conflict resolution of existing subregional and regional mechanisms for mediation, and make proposals to enhance their effectiveness.
- Explore ways and means to improve coordination of mediation activities (i.e. appointment of joint mediators ...).
- Provide a forum to exchange experiences in mediation (key figures, civil society, specialized centres ...) and to assess the influence of sociocultural factors, ownership of the process, etc.

The discussions in that respect could focus on the following questions:

- The role of the United Nations, especially the Security Council and the Secretary-General, in conducting mediation, and how that can be enhanced.
- The contribution of regional and subregional organizations.
- Support for regional mediation initiatives conducted by States Members and regional and subregional bodies (international support).
- The role of women and civil society in the mediation process.